

117TH CONGRESS
2^D SESSION

S. 3949

AN ACT

To reauthorize the Trafficking Victims Protection Act of
2000, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Trafficking Victims
3 Prevention and Protection Reauthorization Act of 2022”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

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1 **TITLE I—COMBATING TRAF-**
 2 **FICKING IN PERSONS IN THE**
 3 **UNITED STATES**

4 **Subtitle A—Programs To Support**
 5 **Young Victims Who Are Vulner-**
 6 **able To Human Trafficking**

7 **SEC. 101. AUTHORITY TO AWARD COMPETITIVE GRANTS TO**
 8 **ENHANCE COLLABORATION BETWEEN STATE**
 9 **CHILD WELFARE AND JUVENILE JUSTICE**
 10 **SYSTEMS.**

11 (a) IN GENERAL.—Subpart 1 of part B of title IV
 12 of the Social Security Act (42 U.S.C. 621 et seq.) is
 13 amended by adding at the end the following:

14 **“SEC. 429A. GRANTS TO STATES TO ENHANCE COLLABORA-**
 15 **TION BETWEEN STATE CHILD WELFARE AND**
 16 **JUVENILE JUSTICE SYSTEMS.**

17 “(a) PURPOSE.—The purpose of this section is to au-
 18 thorize the Secretary, in collaboration with the Attorney
 19 General and the Administrator of the Office of Juvenile
 20 Justice and Delinquency Prevention of the Department of
 21 Justice—

22 “(1) to make grants to State child welfare and
 23 juvenile justice agencies and child- and youth-serving
 24 agencies to collaborate in the collection of data relat-
 25 ing to dual status youth; and

1 “(2) to develop practices, policies, and proto-
2 cols—

3 “(A) to confront the challenges presented
4 and experienced by dual status youth; and

5 “(B) for the development of interoperable
6 data systems.

7 “(b) AUTHORITY TO AWARD GRANTS.—

8 “(1) IN GENERAL.—Subject to the availability
9 of appropriations, from amounts reserved under sec-
10 tion 423(a)(2) for a fiscal year, the Secretary shall
11 award competitive grants jointly to a State child wel-
12 fare agency and a State juvenile justice agency to
13 facilitate or enhance collaboration between the child
14 welfare and juvenile justice systems of the State in
15 order to carry out programs to address the needs of
16 dual status youth and their families.

17 “(2) LENGTH OF GRANTS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), a grant shall be awarded under this
20 section for a period of not less than 2 fiscal
21 years and not more than 5 fiscal years.

22 “(B) EXTENSION OF GRANT.—Upon the
23 application of the grantee, the Secretary may
24 extend the period for which a grant is awarded

1 under this section for not more than 2 fiscal
2 years.

3 “(c) ADDITIONAL REQUIREMENTS.—

4 “(1) APPLICATION.—In order for a State to be
5 eligible for a grant under this section, the State
6 shall submit an application, subject to the approval
7 of the Secretary, that includes—

8 “(A) a description of the proposed leader-
9 ship collaboration group (including the member-
10 ship of such group), and how such group will
11 manage and oversee a review and analysis of
12 current practices while working to jointly ad-
13 dress enhanced practices to improve outcomes
14 for dual status youth;

15 “(B) a description of how the State pro-
16 poses—

17 “(i) to identify dual status youth;

18 “(ii) to identify individuals who are at
19 risk of becoming dual status youth;

20 “(iii) to identify common characteris-
21 tics shared by dual status youth in the
22 State; and

23 “(iv) to determine the prevalence of
24 dual status youth in the State;

1 “(C) a description of current and proposed
2 practices and procedures that the State intends
3 to use—

4 “(i) to screen and assess dual status
5 youth for risks and treatment needs;

6 “(ii) to provide targeted and evidence-
7 based services, including educational, be-
8 havioral health, and pro-social treatment
9 interventions for dual status youth and
10 their families; and

11 “(iii) to provide for a lawful process
12 to enhance or ensure the abilities of the
13 State and any relevant agencies to share
14 information and data about dual status
15 youth, while maintaining confidentiality
16 and privacy protections under Federal and
17 State law; and

18 “(D) a certification that the State has in-
19 volved local governments, as appropriate, in the
20 development, expansion, modification, oper-
21 ation, or improvement of proposed policy and
22 practice reforms to address the needs of dual
23 status youth.

24 “(2) NO SUPPLANTATION OF OTHER FUNDS.—

25 Any amounts paid to a State under a grant under

1 this section shall be used to supplement and not
2 supplant other State expenditures on dual status
3 youths or children involved with either the child wel-
4 fare or juvenile justice systems.

5 “(3) EVALUATION.—Up to 10 percent of the
6 amount made available to carry out this section for
7 a fiscal year shall be made available to the Secretary
8 to evaluate the effectiveness of the projects funded
9 under this section, using a methodology that—

10 “(A) includes random assignment when-
11 ever feasible, or other research methods that
12 allow for the strongest possible causal infer-
13 ences when random assignment is not feasible;
14 and

15 “(B) generates evidence on the impact of
16 specific projects, or groups of projects with
17 identical (or similar) practices and procedures.

18 “(4) REPORT.—A State child welfare agency
19 and a State juvenile justice agency receiving a grant
20 under this section shall jointly submit to the Sec-
21 retary, the Attorney General, and the Administrator
22 of the Office of Juvenile Justice and Delinquency
23 Prevention of the Department of Justice, a report
24 on the evaluation of the activities carried out under

1 the grant at the end of each fiscal year during the
2 period of the grant. Such report shall include—

3 “(A) a description of the scope and nature
4 of the dual status youth population in the
5 State, including the number of dual status
6 youth;

7 “(B) a description of the evidence-based
8 practices and procedures used by the agencies
9 to carry out the activities described in clauses
10 (i) through (iii) of paragraph (1)(C); and

11 “(C) an analysis of the effects of such
12 practices and procedures, including information
13 regarding—

14 “(i) the collection of data related to
15 individual dual status youths;

16 “(ii) aggregate data related to the
17 dual status youth population, including—

18 “(I) characteristics of dual status
19 youths in the State;

20 “(II) case processing timelines;
21 and

22 “(III) information related to case
23 management, the provision of targeted
24 services, and placements within the

1 foster care or juvenile justice system;

2 and

3 “(iii) the extent to which such prac-
4 tices and procedures have contributed to—

5 “(I) improved educational out-
6 comes for dual status youths;

7 “(II) fewer delinquency referrals
8 for dual status youths;

9 “(III) shorter stays in intensive
10 restrictive placements for dual status
11 youths; or

12 “(IV) such other outcomes for
13 dual status youths as the State child
14 welfare agency and State juvenile jus-
15 tice agency may identify.

16 “(d) TRAINING AND TECHNICAL ASSISTANCE.—The
17 Secretary may support State child welfare agencies and
18 State juvenile justice agencies by offering a program, de-
19 veloped in consultation with organizations and agencies
20 with subject matter expertise, of training and technical as-
21 sistance to assist such agencies in developing programs
22 and protocols that draw on best practices for serving dual
23 status youth in order to facilitate or enhance—

24 “(1) collaboration between State child welfare
25 agencies and State juvenile justice agencies; and

1 “(2) the effectiveness of such agencies with re-
2 spect to working with Federal agencies and child
3 welfare and juvenile justice agencies from other
4 States.

5 “(e) REPORT.—Not later than 3 years after the date
6 of enactment of this section, and every 3 years thereafter,
7 the Secretary, the Attorney General, and the Adminis-
8 trator of the Office of Juvenile Justice and Delinquency
9 Prevention of the Department of Justice shall jointly sub-
10 mit to the Committee on Finance and the Committee on
11 the Judiciary of the Senate and the Committee on Ways
12 and Means and the Committee on Education and Labor
13 of the House of Representatives, a report on the grants
14 provided under this section.

15 “(f) DEFINITIONS.—In this section:

16 “(1) DUAL STATUS YOUTH.—The term ‘dual
17 status youth’ means a child who has come into con-
18 tact with both the child welfare and juvenile justice
19 systems and occupies various statuses in terms of
20 the individual’s relationship to such systems.

21 “(2) LEADERSHIP COLLABORATION GROUP.—
22 The term ‘leadership collaboration group’ means a
23 group composed of senior officials from the State
24 child welfare agency, the State juvenile justice agen-
25 cy, and other relevant youth and family-serving pub-

1 lic agencies and private organizations, including, to
 2 the extent practicable, representatives from the
 3 State judiciary branch.

4 “(3) STATE JUVENILE JUSTICE AGENCY.—The
 5 term ‘State juvenile justice agency’ means the agen-
 6 cy of the State or Indian tribe responsible for ad-
 7 ministering grant funds awarded under the Juvenile
 8 Justice and Delinquency Prevention Act of 1974 (34
 9 U.S.C. 11101 et seq.).

10 “(4) STATE CHILD WELFARE AGENCY.—The
 11 term ‘State child welfare agency’ means the State
 12 agency responsible for administering the program
 13 under this subpart, or, in the case of a tribal organi-
 14 zation that is receiving payments under section 428,
 15 the tribal agency responsible for administering such
 16 program.”.

17 (b) CONFORMING AMENDMENTS.—Section 423(a) of
 18 such Act (42 U.S.C. 623(a)) is amended—

19 (1) by striking “The sum appropriated” and in-
 20 serting the following:

21 “(1) IN GENERAL.—Subject to paragraph (2),
 22 the sum appropriated”; and

23 (2) by adding at the end the following:

24 “(2) GRANTS TO STATES TO ENHANCE COL-
 25 LABORATION BETWEEN STATE CHILD WELFARE AND

1 JUVENILE JUSTICE SYSTEMS.—For each fiscal year
2 beginning with fiscal year 2023 for which the
3 amount appropriated under section 425 for the fiscal
4 year exceeds \$270,000,000—

5 “(A) the Secretary shall reserve from such
6 excess amount such sums as are necessary for
7 making grants under section 429A for such fis-
8 cal year; and

9 “(B) the remainder to be applied under
10 paragraph (1) for purposes of making allot-
11 ments to States for such fiscal year shall be de-
12 termined after the Secretary first allots
13 \$70,000 to each State under such paragraph
14 and reserves such sums under subparagraph
15 (A) of this paragraph.”.

16 **SEC. 102. ELIMINATION OF SUNSET FOR ADVISORY COUN-**
17 **CIL ON HUMAN TRAFFICKING.**

18 The Survivors of Human Trafficking Empowerment
19 Act (section 115 of Public Law 114–22) is amended by
20 striking subsection (h).

21 **SEC. 103. PILOT PROGRAM FOR YOUTH AT HIGH RISK OF**
22 **BEING TRAFFICKED.**

23 Section 202(b) of the Trafficking Victims Protection
24 Reauthorization Act of 2005 (34 U.S.C. 20702(b)) is
25 amended by adding at the end the following:

1 “(5) PILOT DEMONSTRATION PROGRAM.—

2 “(A) ESTABLISHMENT.—The Assistant At-
3 torney General, in consultation with the Assist-
4 ant Secretary, shall establish a pilot demonstra-
5 tion program, through which community-based
6 organizations in underserved communities,
7 prioritizing rural communities, in the United
8 States may apply for funding to develop, imple-
9 ment, and build replicable treatment models,
10 based on the type of housing unit that the indi-
11 vidual being treated lives in, with supportive
12 services and innovative care, treatment, and
13 services.

14 “(B) POPULATION TO BE SERVED.—The
15 program established pursuant to subparagraph
16 (A) shall primarily serve adolescents and youth
17 who—

18 “(i) are transitioning out of foster
19 care;

20 “(ii) struggle with substance use dis-
21 order;

22 “(iii) are pregnant or parenting; or

23 “(iv) have experienced foster care in-
24 volvement or involvement in the child wel-
25 fare system, child poverty, child abuse or

1 neglect, human trafficking, juvenile justice
2 involvement, gang involvement, or home-
3 lessness.

4 “(C) AUTHORIZED ACTIVITIES.—Funding
5 provided under subparagraph (A) may be used
6 for—

7 “(i) providing residential care, includ-
8 ing temporary or long-term placement as
9 appropriate;

10 “(ii) providing 24-hour emergency so-
11 cial services response;

12 “(iii) providing clothing and other
13 daily necessities needed to keep individuals
14 from returning to living on the street;

15 “(iv) case management services;

16 “(v) mental health counseling, includ-
17 ing specialized counseling and substance
18 abuse treatment;

19 “(vi) legal services;

20 “(vii) specialized training for social
21 service providers, public sector personnel,
22 and private sector personnel likely to en-
23 counter sex trafficking and labor traf-
24 ficking victims on issues related to the sex

1 trafficking and labor trafficking of minors;
 2 and

3 “(viii) outreach and education pro-
 4 grams to provide information about deter-
 5 rence and prevention of sex trafficking and
 6 labor trafficking of minors.

7 “(D) FUNDING PRIORITY.—The Assistant
 8 Attorney General shall give funding priority to
 9 community-based programs that provide crisis
 10 stabilization, emergency shelter, and addiction
 11 treatment for adolescents and transitional age
 12 residential programs that have reputable out-
 13 comes.”.

14 **Subtitle B—Governmental Efforts**
 15 **To Prevent Human Trafficking**

16 **SEC. 121. COMPTROLLER GENERAL REPORT ON OVER-**
 17 **SIGHT OF FEDERAL SUPPLY CHAINS.**

18 (a) IN GENERAL.—Not later than June 1, 2024, the
 19 Comptroller General of the United States shall submit to
 20 the appropriate congressional committees a report on Fed-
 21 eral contract supply chain oversight related to the preven-
 22 tion of trafficking in persons.

23 (b) ELEMENTS.—The report required under sub-
 24 section (a) shall include an assessment of the following:

1 (1) The compliance of Federal agencies with
2 the requirement under section 1704(c)(1) of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2013 (22 U.S.C. 7104b(c)(1)) to refer to suspension
5 and debarment officials allegations of trafficking in
6 persons activities on the part of contract, grant, and
7 cooperative agreement recipients.

8 (2) The compliance of Federal agencies with
9 the requirement to include the contract clause re-
10 garding combating trafficking in persons provided
11 for under section 222.50 of the Federal Acquisition
12 Regulation (or successor regulations).

13 (3) Federal agency enforcement and monitoring
14 activities related to ensuring the compliance of Fed-
15 eral contractors and subcontractors with the annual
16 certification requirements under such section
17 222.50.

18 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means—

21 (1) the Committee on Armed Services, the
22 Committee on Homeland Security and Governmental
23 Affairs, and the Committee on Appropriations of the
24 Senate; and

1 (2) the Committee on Armed Services, the
2 Committee on Oversight and Reform, and the Com-
3 mittee on Appropriations of the House of Represent-
4 atives.

5 **SEC. 122. ENSURING ANTI-TRAFFICKING-IN-PERSONS**
6 **TRAININGS AND PROVISIONS INTO CODES OF**
7 **CONDUCT OF ALL FEDERAL DEPARTMENTS**
8 **AND EXECUTIVE AGENCIES.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) Human trafficking is inimical to every Fed-
11 eral agency’s core values and inherently harmful and
12 dehumanizing.

13 (2) Through the adoption of a Code of Conduct,
14 Federal agencies hold their personnel to similar
15 standards that are required of contractors and sub-
16 contractors of the agency under Federal law.

17 (3) Human trafficking is a violation of human
18 rights and against Federal law.

19 (4) The United States Government seeks to
20 deter activities that would facilitate or support traf-
21 ficking in persons.

22 (b) SENSE OF CONGRESS ON IMPLEMENTATION OF
23 ANTI-TRAFFICKING-IN-PERSONS POLICIES.—It is the
24 sense of Congress that—

1 (1) beginning not later than 18 months after
2 the date of the enactment of this Act, the head of
3 every Federal agency should incorporate a module
4 on human trafficking into its staff training require-
5 ments and menu of topics to be covered in the an-
6 nual ethics training of such agency;

7 (2) such staff trainings should teach employees
8 how to prevent, identify, and report trafficking in
9 persons;

10 (3) Federal agencies that already provide
11 counter trafficking-in-persons training for staff
12 should share their curricula with agencies that do
13 not have such curricula;

14 (4) the head of each agency should inform all
15 candidates for employment about the anti-trafficking
16 provisions in the Code of Conduct of the agency;

17 (5) employees of each Federal agency should
18 sign acknowledgment of the agency's Code of Con-
19 duct, which should be kept in the file of the em-
20 ployee; and

21 (6) a violation of the Code of Conduct should
22 lead to disciplinary action, up to and including ter-
23 mination of employment.

24 (c) POLICY FOR EXECUTIVE BRANCH EMPLOYEES.—
25 The President shall take such steps as may be necessary

1 to ensure that each officer and employee (including tem-
2 porary employees, persons stationed abroad while working
3 for the United States, and detailees from other agencies
4 of the Federal Government) of an agency in the executive
5 branch of the Federal Government is subject to a policy
6 with a minimum standard that contains—

7 (1) a prohibition from engaging in human traf-
8 ficking while employed by the Government in a full-
9 time or part-time capacity;

10 (2) a requirement that all Federal personnel,
11 without regard to whether the person is stationed
12 abroad, be sensitized to human trafficking and the
13 ethical conduct requirements that prohibit the pro-
14 curement of trafficking in persons;

15 (3) a requirement that all such personnel be
16 equipped with the necessary knowledge and tools to
17 prevent, recognize, report, and address human traf-
18 ficking offenses through a training for new personnel
19 and through regular refresher courses offered every
20 2 years; and

21 (4) a requirement that all such personnel report
22 to the applicable inspector general and agency traf-
23 ficking in persons point of contact any suspected
24 cases of misconduct, waste, fraud, or abuse relating
25 to trafficking in persons.

1 (d) TIMING.—The policy described in subsection

2 (c)—

3 (1) shall be established or integrated into all
4 applicable employee codes of conduct not later than
5 18 months after the date of the enactment of this
6 Act;

7 (2) may not replace any preexisting code of con-
8 duct that contains more robust requirements than
9 the requirements described in subsection (c); and

10 (3) shall be signed by all personnel described in
11 subsection (c) not later than 2 years after such date
12 of enactment.

13 (e) REPORTING.—The Office of Inspector General of
14 a Federal department or agency, in consultation with the
15 head of such agency, shall submit an annual report to
16 Congress, which shall be publicly accessible, containing—

17 (1) the number of suspected violations reported;

18 (2) the number of investigations;

19 (3) the status and outcomes of such investiga-
20 tions; and

21 (4) any recommended actions to improve the
22 programs and operations of such agency.

1 **SEC. 123. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
 2 **ON ACCESSIBILITY OF MENTAL HEALTH**
 3 **SERVICES AND SUBSTANCE USE DISORDER**
 4 **SERVICES.**

5 Not later than 3 years after the date of the enact-
 6 ment of this Act, the Comptroller General of the United
 7 States shall—

8 (1) conduct a study of the accessibility of men-
 9 tal health services and substance use disorder treat-
 10 ment and recovery for survivors of human traf-
 11 ficking in the United States of various ages; and

12 (2) submit a report to Congress containing the
 13 findings of such study and recommendations for in-
 14 creased accessibility and affordability for survivors
 15 of trafficking.

16 **SEC. 124. NSF SUPPORT OF RESEARCH ON IMPACTS OF SO-**
 17 **CIAL MEDIA ON HUMAN TRAFFICKING.**

18 (a) **DEFINITIONS.**—In this section:

19 (1) **HUMAN TRAFFICKING.**—The term “human
 20 trafficking” means an act or practice described in
 21 section 103(11) of the Trafficking Victims Protec-
 22 tion Act of 2000 (22 U.S.C. 7102(11)).

23 (2) **SOCIAL MEDIA PLATFORM.**—The term “so-
 24 cial media platform” means a website or internet
 25 medium that—

1 (A) permits a person to become a reg-
2 istered user, establish an account, or create a
3 profile for the purpose of allowing users to cre-
4 ate, share, and view user-generated content
5 through such an account or profile;

6 (B) enables 1 or more users to generate
7 content that can be viewed by other users of the
8 medium; and

9 (C) primarily serves as a medium for users
10 to interact with content generated by other
11 users of the medium.

12 (b) SUPPORT OF RESEARCH.—The Director of the
13 National Science Foundation, in consultation with the At-
14 torney General, the Secretary of Homeland Security, and
15 the Secretary of Health and Human Services, shall sup-
16 port merit-reviewed and competitively awarded research
17 on the impact of online social media platforms on the
18 maintenance or expansion of human trafficking, which
19 may include—

20 (1) fundamental research on digital forensic
21 tools or other technologies for verifying the authen-
22 ticity of social media platform users and their mate-
23 rials, that are utilized in the promotion or operation
24 of human trafficking networks;

1 (2) fundamental research on privacy preserving
2 technical tools that may aid law enforcement’s abil-
3 ity to identify and prosecute individuals or entities
4 promoting or involved in human trafficking;

5 (3) social and behavioral research related to so-
6 cial media platform users who engage with those
7 promoting or involved in human trafficking;

8 (4) research on the effectiveness of expanding
9 public understanding, awareness, or law enforcement
10 efforts in combating human trafficking through so-
11 cial media platforms; and

12 (5) research awards coordinated with other
13 Federal agencies and programs, including the Infor-
14 mation Integrity Research and Development Inter-
15 agency Working Group and the Privacy Research
16 and Development Interagency Working Group of the
17 Networking and Information Technology Research
18 and Development Program, the Office for Victims of
19 Crime of the Department of Justice, the Blue Cam-
20 paign of the Department of Homeland Security, the
21 Office to Monitor and Combat Trafficking in Per-
22 sons of the Department of State, and activities of
23 the Department of Transportation and the Advisory
24 Committee on Human Trafficking.

1 (c) SURVIVORS.—To the extent possible, the Director
2 of the National Science Foundation shall ensure that re-
3 search supported under subsection (b) incorporates the ex-
4 periences, input, and safety and privacy concerns of
5 human trafficking survivors.

6 (d) REPORTS.—

7 (1) FINDINGS AND RECOMMENDATIONS.—Not
8 later than 1 year after the date of enactment of this
9 Act, the Director of the National Science Founda-
10 tion shall report to the Committee on Commerce,
11 Science, and Transportation of the Senate, the Sub-
12 committee on Commerce, Justice, Science, and Re-
13 lated Agencies of the Committee on Appropriations
14 of the Senate, the Committee on Science, Space, and
15 Technology of the House of Representatives, and the
16 Subcommittee on Commerce, Justice, Science, and
17 Related Agencies of the Committee on Appropria-
18 tions of the House of Representatives—

19 (A) the Director’s findings with respect to
20 the feasibility for research opportunities, includ-
21 ing with the private sector social media plat-
22 form companies, to improve the ability to com-
23 bat human trafficking operations; and

24 (B) any recommendations of the Director
25 that could facilitate and improve communica-

1 tion and coordination among the private sector,
 2 the National Science Foundation, and relevant
 3 Federal agencies to improve the ability to com-
 4 bat human trafficking operations through social
 5 media.

6 (2) RESULTS OF RESEARCH.—Not later than 4
 7 years after the date of enactment of this Act, the
 8 Director of the National Science Foundation shall
 9 report to the Committee on Commerce, Science, and
 10 Transportation of the Senate, the Subcommittee on
 11 Commerce, Justice, Science, and Related Agencies of
 12 the Committee on Appropriations of the Senate, the
 13 Committee on Science, Space, and Technology of the
 14 House of Representatives, and the Subcommittee on
 15 Commerce, Justice, Science, and Related Agencies of
 16 the Committee on Appropriations of the House of
 17 Representatives on the results of the research sup-
 18 ported under this section.

19 **Subtitle C—Monitoring Child,**
 20 **Forced, and Slave Labor**

21 **SEC. 131. TRANSPARENCY IN ANTI-TRAFFICKING EXPENDI-**
 22 **TURES.**

23 (a) IN GENERAL.—Not later than 90 days after the
 24 date of the enactment of this Act, and not later than Octo-
 25 ber 1 of each of the following 5 years, the head of each

1 Federal department or agency to which amounts are ap-
2 propriated for the purpose of awarding grants for anti-
3 trafficking in persons, and the head of each Federal de-
4 partment and agency contributing to the annual congress-
5 sional earmark for counter-trafficking in persons, shall
6 publish on the public website of the department or agency,
7 with respect to the prior fiscal year—

8 (1) each obligation or expenditure of Federal
9 funds for the purpose of combating human traf-
10 ficking and forced labor; and

11 (2) subject to subsection (b), and with respect
12 to each such obligation or expenditure, the name of
13 a primary recipient, and any subgrantees, and their
14 project location, activity, award amounts, and award
15 periods.

16 (b) EXCEPTION FOR SECURITY CONCERNS.—If the
17 head of a Federal department or agency determines that
18 a primary recipient or subgrantee for purposes of sub-
19 section (a) has a security concern—

20 (1) the award recipients shall not be publicly
21 identified pursuant to subsection (a)(2); and

22 (2) only the activity, award amounts, and
23 award periods shall be publicly listed pursuant to
24 such subsection.

1 **SEC. 132. SENSE OF CONGRESS REGARDING UNITED**
2 **STATES COMPANIES ADOPTING COUNTER-**
3 **TRAFFICKING-IN-PERSONS POLICIES.**

4 It is the sense of Congress that—

5 (1) companies headquartered or doing business
6 in the United States that are not small business con-
7 cerns (as defined in section 3 of the Small Business
8 Act (15 U.S.C. 632)) should adopt a written policy
9 not later than 18 months after the date of the enact-
10 ment of this Act that—

11 (A) prohibits trafficking in persons;

12 (B) is published annually; and

13 (C) is accessible in a prominent place on
14 their public website; and

15 (2) such policy should expressly prohibit the
16 company, its employees, or agents from—

17 (A) engaging in human trafficking;

18 (B) using forced labor for the development,
19 production, shipping, or sale of its goods or
20 services;

21 (C) destroying, concealing, confiscating, or
22 otherwise denying access by an employee to the
23 employee's identity or immigration documents,
24 such as passports or drivers' licenses, regardless
25 of issuing authority;

1 (D) using misleading or fraudulent prac-
2 tices during the recruitment of employees or of-
3 fering of employment, such as—

4 (i) failing to disclose, in a format and
5 language understood by the employee or
6 potential employee, basic information; or

7 (ii) making material misrepresenta-
8 tions during the recruitment of employees
9 regarding the key terms and conditions of
10 employment, including—

11 (I) wages and fringe benefits;

12 (II) the location of work;

13 (III) the living conditions;

14 (IV) housing and associated costs
15 (if employer- or agent-provided or ar-
16 ranged);

17 (V) any significant costs to be
18 charged to the employee or potential
19 employee; and

20 (VI) the hazardous nature of the
21 work, if applicable;

22 (E) using recruiters that do not comply
23 with local labor laws of the country in which the
24 recruiting takes place;

1 (F) providing or arranging housing that
2 fails to meet the host country housing and safe-
3 ty standards; and

4 (G) failing to provide an employment con-
5 tract, recruitment agreement, or other required
6 work document—

7 (i) in writing—

8 (I) in a language the employee
9 understands; or

10 (II) along with an independent
11 interpreter if the document cannot be
12 provided in a language the employee
13 understands;

14 (ii) not later than 5 days before the
15 employee relocates, if relocation is required
16 to perform the work; and

17 (iii) that includes details about work
18 description, wages, work locations, living
19 accommodations and associated costs, time
20 off, round-trip transportation arrange-
21 ments, grievance processes, and the con-
22 tent of applicable laws and regulations that
23 prohibit trafficking in persons.

1 **SEC. 133. AMENDMENTS TO THE CHILD ABUSE PREVEN-**
2 **TION AND TREATMENT ACT.**

3 Section 111(b)(1) of the Child Abuse Prevention and
4 Treatment Act (42 U.S.C. 5106g(b)(1)) is amended by
5 striking “a victim of” and all that follows and inserting
6 “a victim of ‘child abuse and neglect’ and of ‘sexual abuse’
7 if the child is identified, by a State or local agency em-
8 ployee of the State or locality involved, as being a victim
9 of human trafficking.”.

10 **SEC. 134. SENSE OF CONGRESS REGARDING TIMELY SUB-**
11 **MISSION OF DEPARTMENT OF JUSTICE RE-**
12 **PORTS.**

13 It is the sense of Congress that—

14 (1) the Department of Justice has failed to
15 meet its reporting requirements under title IV of the
16 Trafficking Victims Protection Act of 2017 (34
17 U.S.C. 10101 et seq.); and

18 (2) progress on critical data collection about
19 human trafficking and crime reporting are in jeop-
20 ardy as a result of such failure and must be ad-
21 dressed immediately.

22 **SEC. 135. SENSE OF CONGRESS ON CRITERIA FOR**
23 **CLASSIFYING VICTIMS OF CHILD SEX TRAF-**
24 **FICKING.**

25 It is the sense of Congress that—

1 (1) all States (including the District of Colum-
2 bia) and territories should evaluate whether to elimi-
3 nate the requirement for third-party control to prop-
4 erly qualify a child as a victim of sex trafficking,
5 to—

6 (A) aid in the identification and prevention
7 of child sex trafficking;

8 (B) protect children; and

9 (C) appropriately prosecute perpetrators to
10 the fullest extent of the law; and

11 (2) a person is qualified as a victim of child sex
12 trafficking if the person is a victim, as a child, of
13 human trafficking.

14 **SEC. 136. MISSING AND ABDUCTED FOSTER CHILDREN AND**
15 **YOUTH.**

16 It is the sense of Congress that—

17 (1) each State child welfare agency should—

18 (A) prioritize developing and implementing
19 protocols to comply with section 471(a)(35) of
20 the Social Security Act (42 U.S.C. 671(a)(35)),
21 as amended by section 137; and

22 (B) report the information the agency re-
23 ceives about missing or abducted foster children
24 and youth to the National Center on Missing
25 and Exploited Children and to law enforcement

1 authorities for inclusion in the Federal Bureau
2 of Investigation’s National Crime Information
3 Center database, in accordance with section
4 471(a)(34) of the Social Security Act (42
5 U.S.C. 671(a)(34));

6 (2) the reports described in paragraph (1)(B)—

7 (A) should be made immediately (and in
8 no case later than 24 hours) after the informa-
9 tion is received; and

10 (B) were required to be provided to the
11 Secretary of Health and Human Services begin-
12 ning on September 30, 2016; and

13 (3) according to section 471(a)(34) of such Act,
14 each State child welfare agency was required to sub-
15 mit annual reports to the Secretary of Health and
16 Human Services beginning on September 30, 2017,
17 to notify the Secretary of the total number of chil-
18 dren and youth who are victims of human traf-
19 ficking.

20 **SEC. 137. MODIFICATION TO STATE PLAN FOR FOSTER**
21 **CARE AND ADOPTION ASSISTANCE.**

22 (a) STATE PLAN AMENDMENT.—Section
23 471(a)(35)(B) of the Social Security Act (42 U.S.C.
24 671(a)(35)(B)) is amended by striking the semicolon at
25 the end and inserting the following: “(referred to in this

1 subparagraph as “NCMEC”), and that the State agency
2 shall maintain regular communication with law enforce-
3 ment agencies and NCMEC in efforts to provide a safe
4 recovery of a missing or abducted child or youth, including
5 by sharing information pertaining to the child’s or youth’s
6 recovery and circumstances related to the recovery, and
7 that the State report submitted to law enforcement agen-
8 cies and NCMEC shall include where reasonably pos-
9 sible—

10 “(i) a photo of the missing or ab-
11 ducted child or youth;

12 “(ii) a description of the child’s or
13 youth’s physical features, such as height,
14 weight, sex, ethnicity, race, hair color, and
15 eye color; and

16 “(iii) endangerment information, such
17 as the child’s or youth’s pregnancy status,
18 prescription medications, suicidal ten-
19 dencies, vulnerability to being sex traf-
20 ficked, and other health or risk factors;”.

21 (b) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), the amendment made by subsection (a)
24 shall take effect on the date of enactment of this
25 Act.

1 (2) DELAY IF STATE LEGISLATION RE-
2 QUIRED.—In the case of a State plan under part E
3 of title IV of the Social Security Act which the Sec-
4 retary of Health and Human Services determines re-
5 quires State legislation (other than legislation appro-
6 priating funds) in order for the plan to meet the ad-
7 ditional requirements imposed by the amendment
8 made by subsection (a), the State plan shall not be
9 regarded as failing to comply with the requirements
10 of such part solely on the basis of the failure of the
11 plan to meet such additional requirements before the
12 first day of the first calendar quarter beginning
13 after the close of the first regular session of the
14 State legislature that begins after the date of enact-
15 ment of this Act. For purposes of the previous sen-
16 tence, in the case of a State that has a 2-year legis-
17 lative session, each year of the session shall be
18 deemed to be a separate regular session of the State
19 legislature.

1 **TITLE II—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 201. EXTENSION OF AUTHORIZATIONS UNDER THE**
4 **VICTIMS OF TRAFFICKING AND VIOLENCE**
5 **PROTECTION ACT OF 2000.**

6 Section 113 of the Victims of Trafficking and Vio-
7 lence Protection Act of 2000 (22 U.S.C. 7110) is amend-
8 ed—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by striking “To
11 carry out the purposes of sections 106(b) and
12 107(b),” and inserting “To carry out the pur-
13 poses of sections 106(b) and 107(b) of this Act
14 and section 429A of the Social Security Act,”;
15 and

16 (B) in paragraph (2), by striking “2018
17 through 2021” and inserting “2023 through
18 2028”;

19 (2) in subsection (d)(3), by striking
20 “\$11,000,000 to the Attorney General for each of
21 the fiscal years 2018 through 2021” and inserting
22 “\$11,000,000 to the Attorney General for each of
23 the fiscal years 2023 through 2028”;

24 (3) in subsection (f), by striking “2018 through
25 2021.” and inserting “2023 through 2028”; and

1 (4) in subsection (i)—

2 (A) by striking “2018 through 2021” and
3 inserting “2023 through 2028”; and

4 (B) by inserting “of which \$2,000,000
5 shall be made available each fiscal year for the
6 establishment of a labor trafficking investiga-
7 tion team within the Department of Homeland
8 Security Center for Countering Human Traf-
9 ficking, and the remaining funds shall be used”
10 after “expended,”.

11 **SEC. 202. IMPROVING ENFORCEMENT OF SECTION 307 OF**
12 **THE TARIFF ACT OF 1930.**

13 There is authorized to be appropriated \$20,000,000,
14 for each of fiscal years 2023 through 2028, to the Com-
15 missioner of U.S. Customs and Border Protection to
16 strengthen the enforcement of section 307 of the Tariff
17 Act of 1930 (19 U.S.C. 1307).

18 **TITLE III—SEVERABILITY**

19 **SEC. 301. SEVERABILITY.**

20 If any provision of this Act or amendment made by
21 this Act, or the application of such provision or amend-
22 ment to any person or circumstance, is held to be uncon-
23 stitutional, the remainder of this Act and the amendments
24 made by this Act, and the application of the provision or

- 1 amendment to any other person or circumstance, shall not
- 2 be affected.

Passed the Senate December 20, 2022.

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

S. 3949

AN ACT

To reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.